



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING NOTICE:	BOARD OF DENTISTRY & DENTAL HYGIENE
DATE AND TIME:	Thursday, November 18, 2010 at 4:30 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor of the Cannon Building
APPROVED:	December 16, 2010

MEMBERS PRESENT

Neil McAneny, DDS, Professional Member, President
Blair Jones, DMD, Professional Member, Secretary
Thomas Cox, DDS, Professional Member
John Lenz, DDS, Professional Member
Robert Director, DDS, Professional Member
Joan Madden, RDH, Professional Hygiene Member
Danna Levy, Public Member (entered at 4:57 p.m.)
Frances Pruitt, Public Member
Joan Mills, Public Member
Debra Bruhl, RDH, Hygiene Advisory Member
Fay S. Rust, RDH, Hygiene Advisory Member (entered at 4:55 p.m.)
Bonnie Thomas, RDH, Hygiene Advisory Member (entered at 4:53 p.m.)

MEMBERS ABSENT

None

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Allison Reardon, Deputy Attorney General
Michele Urbaniak, Administrative Specialist II
Sam Nickerson, DPR Investigative Supervisor
Kay Warren, DPR Deputy Director

PUBLIC PRESENT

Stacey Stewart, Deputy Attorney General for the State of Delaware
Kimberly Hickman-Bowen, Dental Hygienist

CALL TO ORDER

Dr. McAneny called the meeting to order at 4:40 p.m.

BOARD MEMBER UPDATES

At Dr. McAneny's request, Frances Pruitt, Joan Mills and Joan Madden introduced themselves to the Board. The Board members introduced themselves for the new members. Dr. McAneny reported that Dr. Jones and Ms. Bruhl have been reappointed to the Board.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the minutes of the September 9, 2010 meeting. Dr. Director made a motion, seconded by Ms. Bruhl, to approve the minutes as presented. The motion passed unanimously.

The Board moved forward on the agenda to item 5.1, and came back to the Hearing for Tara R. Woodward when the court reporter was present.

HEARING – TARA R. WOODWARD:

PRESENT: Dr. Neil McAneny, Dr. Blair Jones, Dr. Thomas Cox, Dr. John Lenz, Dr. Robert Director, Joan Madden, Frances Pruitt, Joan Mills, Debra Bruhl, Fay S. Rust, Bonnie Thomas, Danna Levy

PURPOSE: Disciplinary Hearing

PRESIDING: Dr. Neil McAneny, President

BOARD STAFF: Michele Urbaniak, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Allison Reardon

DEPUTY ATTORNEY GENERAL FOR THE STATE OF DE: Stacey Stewart

RESPONDENT: Tara R. Woodward (absent)

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: Sam Nickerson, DPR Investigative Supervisor

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Juli LaBadia, Wilcox and Fetzer

The hearing began at 4:57 p.m. The court reporter took verbatim testimony. Ms. Reardon introduced the hearing and confirmed that Ms. Woodward was not in attendance. Ms. Reardon advised the Board that notice had been provided to Ms. Woodward at her last address of record with the Board and that it had jurisdiction to proceed in her absence. The Board members introduced themselves for the record. Dr. McAneny called for the State to present its case. Ms. Stewart introduced State's Exhibit 1 into evidence and distributed copies for the Board members to review. State's Exhibit 1 included *the State's Complaint, Notification of Noncompliance, Woodward's Response Letters, License Information, and Statutes and Regulations*. The State's complaint alleged that Ms. Woodward violated the provisions of 24 Del.C. § 1128 (2) and (11). She is subject to discipline under 29 Del.C. § 8735 (n)(7) and (10) and Board Rules and Regulations 9.7 and 9.10. Ms. Stewart presented the State's case to the Board. Ms. Stewart called Mr. Sam Nickerson, Investigative Supervisor for the Division of Professional Regulation. After Ms. Stewart's direct examination, the Board also questioned Mr. Nickerson. The Board asked clarification questions of Ms. Stewart. Ms. Stewart gave a closing argument. The Board went off the

record at 5:17 p.m. to deliberate. After deliberations, the Board went back on the record at 5:39 p.m. Dr. Director made a motion, seconded by Ms. Bruhl, that the State has met its burden of proof. As a disciplinary sanction, the board voted unanimously to impose an indefinite suspension of Ms. Woodward's license. Thirty (30) days prior to any application for the termination of the suspension and the filing of a new application, Ms. Woodward must submit evidence that she has completed a state licensed rehabilitation program of at least ten (10) months in duration and must demonstrate that she is in aftercare. Any period of suspension is to be followed by a five (5) year period of probation with the terms and conditions which will be specified in the Board order. The hearing adjourned at 5:41 p.m.

UNFINISHED BUSINESS

Extensions of Continuing Education & CPR

Amy Cziraky:

After review, Dr. Director made a motion, seconded by Dr. McAneny, to approve the continuing education certificates of completion presented by Ms. Cziraky. The motion passed unanimously.

Dr. Charles J. Veith, III:

After review, Dr. Lenz made a motion, seconded by Dr. Cox, to approve the audit submission of Dr. Veith. The motion passed unanimously.

Vicki Korr-Pringle:

The Board reviewed the submissions from both Ms. Korr-Pringle and her physician. After discussion, Dr. McAneny made a motion, seconded by Dr. Director, to table Ms. Korr-Pringle's request for an extension. The Board will send a letter to Ms. Korr-Pringle requesting that her physician submit another letter to the Board specifying her medical condition, detailing the timeline of her diagnosis and treatments, and specifying the extent of her disability. The Board also requests that Ms. Korr-Pringle's physician state whether Ms. Korr-Pringle was unable to obtain CE credits specifically due to her medical disability. The motion passed unanimously.

Final Denial – Dr. Alaa Mohsen:

After review, Dr. McAneny made a motion, seconded by Dr. Jones, to approve the final denial of Dr. Mohsen's application for failure to request a hearing. The motion was unanimously passed.

Validation of DOR – Status Update from Dr. McAneny

Dr. McAneny and Ms. Urbaniak advised the Board that the Division is in receipt of one of two evaluations from Temple University. The second evaluation is expected to arrive in December. Dr. McAneny reported that the updated DOR exam should be ready by June 2011.

Teeth Whitening Services at Spas and Mall Kiosks – Review Sample Letter

Dr. McAneny made a motion, seconded by Dr. Lenz, to table this discussion until the next meeting. The motion was unanimously passed.

Discussion of Pre-Renewal Versus Post-Renewal Audit

Ms. Reardon explained the process of pre-renewal audits versus the process of post-renewal audits. Ms. Reardon advised that other professions under the Division have gone to a post-renewal audit. The Board's regulations still specify pre-renewal audit. The issue was placed on the agenda for the Board to consider changing to the post-renewal process consistent with other professions. Dr. McAneny made a motion, seconded by Dr. Lenz, to have Ms. Reardon draft post-renewal audit language in the Board's Regulation 6.0 and its subparts for review at their next meeting. The motion passed unanimously.

Joint Sunset Committee - Report on Boston University Trip (McAneny, Director, Lenz)

Dr. McAneny asked Ms. Warren if the report had been submitted to the Joint Sunset Committee. Ms. Warren advised that the report will be submitted with the December progress report.

The Board reviewed the September progress report with Ms. Warren, and advised the following for the December progress report:

- B1 & B2: Ms. Reardon provided a draft of proposed changes to the Board's Rules and Regulations. The Board approved the draft for publication. A public hearing will be submitted to the Register of Regulations and the public hearing will be scheduled for March 24, 2011.
- B3: The DOR exam is currently being revalidated by Temple University. The review process by Temple is expected to be completed by the end of December 2010. The clinical exam needs to be revalidated. Dr. McAneny volunteered to contact Dr. Sarah Gray of Temple University regarding revalidation of the clinical exam.
- B4: Dr. McAneny will contact the American Association of Dental Boards for information on other states.
- B5: Ms. Warren has not heard from Debbie Puzzo. There is no update at this time.
- B6: The Board recognized Ms. Kimberly Hickman-Bowen. Ms. Hickman-Bowen reported that Dr. Greg McClure has moved back to Delaware and is again serving as the State Dental Director. Ms. Urbaniak will contact Dr. McClure to request the protocols pursuant to 24 Del.C. § 1121(c).
- B7: The Board recognized Ms. Kimberly Hickman-Bowen. At her request, Dr. Director provided a copy of the Boston University report to Ms. Hickman-Bowen for review.

NEW BUSINESS

Ratification of Licenses Issued by DPR Since September Board Meeting:

Dentist License

None

Dentist Limited License (Resident)

None

Dental Hygienist License

Lori Ruth Jones-Mickens

Tauheedah Muhammad

Ms. Rust made a motion, seconded by Ms. Thomas, to ratify the issuance of Dental Hygienist licenses as presented. The motion passed unanimously.

Restricted Permit I

None

Restricted Permit II

None

Unrestricted Permit

Dr. Bruce Fisher

Dr. Lenz made a motion, seconded by Dr. Cox, to ratify the issuance of the Unrestricted Permit as presented. The motion passed unanimously.

Complaint Status:

Ms. Urbaniak reported that based on the recommendations of the Board at their September meeting, the Division has adjusted its complaint assignment process for the Board of Dentistry & Dental Hygiene. This change took effect with Complaint 09-20-10. Board contacts will no longer be notified of a complaint until after a Division Investigator has been assigned to the case.

Dr. McAneny reported the following complaint statuses:

Complaint 09-03-09 (Lenz)	Assigned to the Attorney General's Office
Complaint 09-10-09 (Jones)	Hearing Scheduled – January 2011
Complaint 09-18-09	Reassigned to Dr. Jones
Complaint 09-16-10 (Jones)	Hearing Continued Pending Outcome of Criminal Charges
Complaint 09-19-10	Assigned to Dr. Director
Complaint 09-20-10	Assigned to Dr. Cox (Investigative Unit will forward copy of complaint once an Investigator has been assigned)

CORRESPONDENCE

DDHA – Recommendation for Website Regarding No CE Credit for Charitable Dentistry

After discussion, Dr. McAneny made a motion, seconded by Ms. Bruhl, to add a notification on the Board's website regarding the Board's clarification of Charitable Dentistry as it relates to Continuing Education. The motion passed unanimously.

2011 National Dental Examiners Advisory

Dr. McAneny advised that any Board members interested in attending the 2011 conference should contact Ms. Urbaniak for more information.

Memo from James Collins Regarding Discontinuation of Paper Renewals

Dr. McAneny advised that a copy of this memorandum was forwarded to the DE State Dental Society and the DE State Dental Hygienists Association. Ms. Urbaniak confirmed that this task was completed.

NERB – Request for Recommendation for Examiners

Ms. Urbaniak will mail a letter notifying the Northeast Regional Dental Examiners (NERB) that due to a conflict of interest, Drs. McAneny, Director, and Lenz cannot serve as NERB examiners while they are currently serving as Board members on the DE State Board of Dentistry & Dental Hygiene. Ms. Urbaniak will also return the form, recommending Drs. Fink and Marier.

Request from NY Times re Cone Beam CT Scanners, D-Speed Film, and NCRP Report Number 145

Ms. Warren and Dr. McAneny reported that they had responded to an inquiry from the NY Times regarding Cone Beam CT Scanners. Dr. Director advised that the State of Delaware has regulations through the Board of Radiation Protection. Dr. Director made a motion, seconded by Dr. Jones, to have Ms. Warren forward the web address of the DE Board of Radiation Protection to the NY Times for reference (www.dhss.delaware.gov/dhss/dph/regs.html) and to forward the NY Times inquiry to the DE Board of Radiation Protection. The motion passed unanimously.

Ms. Thomas advised that the Radiation Certification exam is outdated. She and the hygienist members will discuss contacting the Department of Health to request that the exam be updated.

OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)

None

PUBLIC COMMENT

The Board recognized Ms. Kimberly Hickman-Bowen. Ms. Hickman-Bowen recommended that the Board consider contacting the University of Maryland for possible revalidation of clinical exams. Ms. Hickman-

Bowen referenced the report from Drs. McAneny, Director, and Lenz; She recommends that both dentists & dental hygienists attend future NERB exams and meetings. Ms. Hickman-Bowen also recommended that when the Board notices licensees about changes or clarifications of its Rules and Regulations, for example Charitable Dentistry, that they post notices on the board's website; It is not the responsibility of the professional associations to notify licensees of the Board's Rule changes.

NEXT MEETING

The next Board meeting will be Thursday, December 16, 2010, at 4:30 p.m. in Conference Room B.

ADJOURNMENT

Dr. Director made a motion, seconded by Ms. Levy, to adjourn the meeting at 6:49 p.m. The motion to adjourn passed unanimously.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "M Urbaniak", written in a cursive style.

Michele Urbaniak
Administrative Specialist II